

OMBUDSMAN FAQs

Revised 12/06/2005

I. GENERAL COMPLAINT INFORMATION

1. Who may file a complaint with the Ombudsman's Office?

Anyone may file a complaint. Please note that the Ombudsman's Office only can handle issues where it has legal authority. **(See question #4 below.)**

2. What types of issues fall under the Ombudsman's legal authority?

- a. Dealer transactions: new manufactured home warranties, fraud or misrepresentation, false advertising, illegal alterations, escrow problems, non-receipt of title, contract disputes, listing agreements, disclosure requirements, and other unlawful activity.
- b. Private transactions: sales or rentals of substandard units, illegal alterations, non-receipt of title, and unlicensed activity.
- c. Mobilehome Park Act violations dealing with health and safety issues related to the physical maintenance and operation of a park.
- d. Employee Housing Act violations dealing with health and safety issues related to the physical maintenance and operation of employee housing.

3. How do I file a complaint?

Please file a complaint using forms provided by the Department.

- a. For dealer and private transactions:

(English) <http://www.hcd.ca.gov/codes/ol/forms/form420e.pdf>
(Spanish) <http://www.hcd.ca.gov/codes/ol/forms/form420s.pdf>

- b. For Mobilehome Park Act complaints:

(English) <http://www.hcd.ca.gov/codes/ol/forms/form419e.pdf>
(Spanish) <http://www.hcd.ca.gov/codes/ol/forms/form419s.pdf>

- c. For Employee Housing Act complaints:

(English) <http://www.hcd.ca.gov/codes/ol/forms/form421e.pdf>
(Spanish) <http://www.hcd.ca.gov/codes/ol/forms/form421s.pdf>

- d. You may request a complaint form be mailed to you by calling the Ombudsman's Office at (916) 323-9801 or (800) 952-5275 or via e-mail at ombudsman@hcd.ca.gov.

4. Are there time limitations on filing complaints?

Complaints should be filed as soon as possible after the date of the improper act or upon discovery in order to assist the investigation and resolution.

5. What is the process that the Ombudsman's Office takes after I file a complaint?

The Ombudsman's Office reviews each complaint to determine if the Ombudsman has jurisdiction.

If the Ombudsman's Office has jurisdiction, the complaint will be referred for investigation. If the Ombudsman's Office does not have jurisdiction, the Office will forward the complaint to the appropriate enforcement agency or refer the complainant to other assistance resources. In either case, the complainant will be notified of the action taken.

- Please note that due to the high volume of cases the Ombudsman Office receives, it may take some time to process and investigate your complaint.

II. MANUFACTURED HOME / MOBILEHOME SALES AND WARRANTY COMPLAINTS

1. If I make a complaint about unlicensed sales activity, what will the Department do?

The Department may send a letter to the unlicensed person explaining the California laws, regulations and licensing requirements and advise that person to stop any unlicensed activity or face a civil penalty of up to \$2000. If applicable, the Department will open a complaint, complete an investigation, and take the appropriate actions if unlicensed activities are confirmed.

2. Are there time limitations on filing defect complaints?

New manufactured home warranty complaints must be filed in writing with the dealer and/or manufacturer within the warranty period, generally one year and ten days from date of delivery or of occupancy approval, whichever is earlier. Used manufactured home defect complaints are subject to the sales agreement.

3. I have a problem with my manufactured home I just bought. What do I do?

It is important to know that whatever your problem is, you must try to resolve it with the party you dealt with before you file a complaint. First contact the dealer, or person who sold you the home, then the contractor or manufacturer if appropriate.

For problems with new manufactured homes, provide the manufacturer or dealer who sold you your home a written list of problems you experience or notice, within one year and ten days from date of delivery or of occupancy approval, whichever is earlier.

If the above attempts fail to resolve your problem, you may submit a complaint to the Ombudsman's Office using the following forms:

a. For problems relating to your new manufactured home purchased from a dealer:

(English) <http://www.hcd.ca.gov/codes/ol/forms/form420e.pdf>
(Spanish) <http://www.hcd.ca.gov/codes/ol/forms/form420s.pdf>

b. For problems relating to your new manufactured home purchased in a subdivision:

(English) <http://www.hcd.ca.gov/codes/ol/forms/form420e.pdf>

(Spanish) <http://www.hcd.ca.gov/codes/ol/forms/form420s.pdf>

c. For problems relating to your used manufactured home purchased from a dealer:

(English) <http://www.hcd.ca.gov/codes/ol/forms/form420e.pdf>

(Spanish) <http://www.hcd.ca.gov/codes/ol/forms/form420s.pdf>

d. For problems relating to your used manufactured home purchased from a private party:

(English) <http://www.hcd.ca.gov/codes/ol/forms/form420e.pdf>

(Spanish) <http://www.hcd.ca.gov/codes/ol/forms/form420s.pdf>.

4. Who is responsible to correct the improper installation of my manufactured home?

a. If the home was installed by a licensed contractor paid by the dealer, then both the installer and dealer may be responsible. Please contact the dealer in writing with any problems you are experiencing, before filing a complaint with the Ombudsman's Office.

b. If you hired the installer directly, contact the installer directly in writing. You may file a complaint against a contractor using the Contractor's State License Board (CSLB): <http://www.cslb.ca.gov/consumers/default.asp>. Call 1-800-321-CSLB (2752) to request that a complaint form be mailed to you.

5. Do California warranties apply to a manufactured home purchased from an out-of-state dealer?

In this situation, the Ombudsman's Office can assist in enforcing the California warranty only when the manufacturer is licensed with the Department. However, you also should notify the manufacturer in writing of any substantial defects within one year and ten days of delivery.

III. MOBILEHOME PARK ISSUES

1. Can our park owner increase the space or lot rent?

The Mobilehome Residency Law (MRL) allows a park owner/operator to increase rents with a 90-day notice. However, local governments, such as a city or county, may impose rent control restrictions. If this is the case, please contact your local government for assistance. See MRL sections, 798.17, 798.21, 798.30, and 798.45 in the Civil Code at <http://www.leginfo.ca.gov/calaw.html> for further information.

2. Can the park owner raise the lot rental amount for any reason?

Park owners may only increase the space or lot rent amount in accordance with the Mobilehome Residency Law (MRL) and/or local rent control ordinances, if one has been adopted.

The MRL requires park management to give residents a written notice 90 days prior to the proposed increase. The MRL includes some restrictions on amounts, such as a homeowner can only be charged for rent, utilities, and incidental reasonable charges for services actually received. Additionally, a homeowner has to be given at least 60 days written notice by management of a fee for services actually rendered but not listed in the rental agreement. See MRL sections 798.31 - 798.44 in the Civil Code at <http://www.leginfo.ca.gov/calaw.html> for more details. Local rent control ordinances may have additional requirements or restrictions.

3. Is the park owner required to state the reason for increasing the lot rental amount on the notice?

No. Generally, there is no requirement in the Mobilehome Residency Law (MRL) to state a reason for a rent increase. A local rent control ordinance may have different requirements.

4. Is the park owner required to meet with the homeowners to discuss disputes?

Yes, upon written request. Please refer to the Mobilehome Residency Law (MRL) in sections 798.25(a) and 798.53 of the Civil Code at: <http://www.leginfo.ca.gov/calaw.html> for further information.

5. Can HCD determine whether a lot rental or a fee increase is unreasonable?

No. According to the Health and Safety Code (H&SC) section 18151(c):

“The ombudsman shall not arbitrate, mediate, negotiate, or provide legal advice on mobilehome park rent disputes, lease or rental agreements, or disputes arising from lease or rental agreements, but may provide information on these issues.”

However, if you want to seek out legal advice, you can check your telephone directory or the internet for an attorney or legal aid organizations. The Department of Consumer Affairs provides a list of legal aid organizations at http://www.dca.ca.gov/r_r/legalso1.htm.

If there is local rent control, contact the rent control agency in your city or county.

6. Can HCD determine whether an increase in the fee for utilities is legal?

No. The Department does not have the authority to regulate utility fees. Any questions related to utilities fees can be answered by the Public Utilities Commission (PUC) at the following internet address: <http://www.cpuc.ca.gov/> or call the Commission at (800) 649-7570.

7. Can a park owner close a park or change the use of the land?

Yes. However, there are several laws that cover park closure or a change in use of the land. The Mobilehome Residency Law (MRL) specifies some of the procedures and refers to the sections in the Government Code (GC) that the owner also must comply with. Although not required, a city or county often has specific procedures for closing parks. See MRL section

798.56 in the Civil Code and GC sections 65852.7, 65863.7-8, and 66427.4-.5 at <http://www.leginfo.ca.gov/calaw.html>. HCD has no jurisdiction over these issues; they are subject to local government review.

8. The park is not allowing me to sell my mobilehome in the park. Can they do that?

The Mobilehome Residency Law (MRL) specifies that the park may require you to remove the manufactured home or mobilehome if it is either significantly rundown or in disrepair, or over a certain age **and** determined to be substandard. See MRL section 798.73 in the Civil Code at <http://www.leginfo.ca.gov/calaw.html> for further information.

9. Can a park owner place restrictions on the sale of a mobilehome?

Yes, park management and residents each have rights regarding restrictions on the sale of a mobilehome in the park.

Management may require that the homeowner notify management in writing that the home is for sale (MRL section 798.71); may require certain types of repairs to the home and related structures on the lot (MRL section 798.73.5); may require the right to approve the purchaser of a home that will stay in the park (MRL section 798.74); may dictate the age(s) of the buyer(s) (MRL section 798.76); and may require a signed lease with the new homeowner before escrow closes or at the time of sale (MRL section 798.75).

The homeowner has the right to advertise the sale of the home with certain limitations (MRL section 798.70); and to receive notice from management of the acceptance or rejection of a prospective buyer within 15 days (MRL section 798.74).

Management may not charge the seller a fee related to a sale unless a service was provided (MRL section 798.72); impose certain sale or listing requirements (MRL section 798.81); require repairs or improvements to the space or park owned structures unless damage was done by the seller (MRL section 798.73.5; or require residents to waive any of these rights (MRL section 798.77).

10. Can the park management force me to make physical improvements to my home and lot?

Yes. The park management can require you to correct violations of local or state requirements for the unit and accessory structures that you own. Management generally cannot require you to make physical improvements to park-owned property or structures, including the lot.

See MRL sections 798.73.5 and 798.83 in the Civil Code at <http://www.leginfo.ca.gov/calaw.html>.

11. Does the park management have the right to enter my lot?

Yes. Generally, the park management has the right of entry on the lot during reasonable hours for maintenance of utilities, trees, and driveways, lot maintenance, if the resident fails to do so, and for the protection of the park or other residents during reasonable hours. Management does not have a right to enter a mobilehome without permission.

See MRL section 798.26 in the Civil Code at <http://www.leginfo.ca.gov/calaw.html>.

12. Must the rules and regulations of the park be posted or given to residents?

Yes. Park rules and regulations are required to be given to the resident at the time of application for tenancy in the park and with new leases/extensions. There is no requirement to post the park rules, however.

See MRL section 798.15 and 758.74.5 in the Civil Code at <http://www.leginfo.ca.gov/calaw.html>.

13. What are the grounds for eviction from a mobilehome park?

The Mobilehome Residency Law (MRL) specifies the only permissible reasons for termination of tenancy.

They include the following: failure to comply with a state law or regulation; being a substantial annoyance to other residents; conviction for prostitution or a felony controlled substance conviction that occurred in the park; failure to comply with a reasonable park rule that is part of the rental agreement; and nonpayment of rent.

See MRL section 798.56 in the Civil Code at <http://www.leginfo.ca.gov/calaw.html> for the full list.

14. Can the park management change my lot lines without my permission?

No. Park management must obtain permission from HCD or the local enforcement agency to move lot lines after obtaining your approval and meeting other requirements. See Title 25 California Code of Regulations section 1104(d) at: <http://www.hcd.ca.gov/codes/mp/mpRegs.html>

15. What is a “senior” park? Isn’t it against the law to discriminate against having children live with you?

The Department of Housing and Community Development does not designate or enforce “Senior” park issues and does not track parks by “senior”, “adult” or “family” designation. You may contact the U.S. Department of Housing and Urban Development (HUD) using <http://www.hud.gov/offices/fheo/seniors/index.cfm> or the Department of Fair Employment and Housing for information on the exemption itself at <http://www.dfeh.ca.gov/>.

16. Are individuals and companies who install manufactured homes required to obtain a special license or certification?

A manufactured home installer is required to be either a licensed "General" contractor or a licensed "Manufactured Home" contractor. The Business and Professions Code also allows a homeowner to install his/her own home. <http://www.cslb.ca.gov/consumers/default.asp>.

17. If a home is being altered from the way it left the factory, is a permit required?

Yes, if the manufactured home was built after September 1, 1958. Alterations to the electrical, plumbing, or mechanical systems of a manufactured home require a permit and inspection from the Department of Housing and Community Development regardless of where the home is located.

If you have any questions relating to permit requirements, depending on where the home is located please call the Department's Area Offices in Sacramento (916) 255-2501 or Riverside (951) 782-4420, or visit our Manufactured Housing Program on the internet at <http://www.hcd.ca.gov/codes/mhp/> .